

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	INDICTMENT NO. CR423-007
	)	
JEFFERY YOUNG,	)	
	)	
Defendant.	)	
_____	)	

O R D E R

Before the Court are the Government's proposed verdict form, proposed voir dire, and proposed jury instructions (Docs. 41, 42, 43) and Defendant Jeffery Young's proposed verdict form, proposed voir dire, and proposed jury instructions (Docs. 44, 45, 46). This case is scheduled for jury selection and trial to begin on July 25, 2023, at 9:30 a.m. (Doc. 39.)

The Amended Indictment alleges that Defendant "willfully and knowingly did embezzle, steal, and convert to his own use more than \$1,000.00 USD, which money was the property of the United States. All in violation of Title 18, United States Code, Section 641." (Doc. 21 at 1.) Both parties requested Eleventh Circuit Pattern Jury Instructions for Criminal Cases, March 2022 update, Offense Instruction 21 "Theft of Government Money or Property, 18 U.S.C. § 641 (First Paragraph)." (Doc. 43 at 27-28; Doc. 46 at 25-26.) The Pattern Instruction contemplates that the jury be instructed that it is a "federal crime to [embezzle] [steal] [convert] any money or property . . . ." The Pattern Instruction

also provides different definitions for "embezzle" and " 'steal' or 'convert' " that could be included.

The Government made slight modifications to the Pattern Instruction. The Government requested that the jury be instructed that it is a "Federal crime to embezzle, steal, **or** convert," that "Defendant embezzled, stole, **or** knowingly converted," and that "Defendant knowingly embezzled, stole **or** converted it. . . ." (Doc. 43 at 27-28 (emphasis added).) The Government also requested that the jury be instructed on both the definitions of "embezzle" and " 'steal' or 'convert[.]' " (Id.) Defendant included the Pattern Instruction and did not indicate which words or definitions should be used. (Doc. 46 at 25-26.)

Based on the Government and Defendant's description of the background of this case at the pretrial conference, the parties are **DIRECTED** to clarify whether and why the jury should be instructed on the definitions of "embezzle" **and** " 'steal' or 'convert' " and which word or words should be included throughout the instruction as a result.

Additionally, the Amended Indictment in this case includes a forfeiture allegation. (Doc. 21 at 2.) Specifically, the Amended Indictment alleges:

Upon conviction set forth in Count One, the defendant, **JEFFERY YOUNG**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code Section 2461(c), any property, real or personal, which

constitutes or is derived from proceeds traceable to a violation of the offense.

(Id. (emphasis in original).) Federal Rule of Criminal Procedure

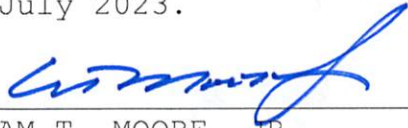
32.2(b)(5) provides:

In any case tried before a jury, if the indictment or information states that the government is seeking forfeiture, the court must determine before the jury begins deliberating whether either party requests that the jury be retained to determine the forfeitability of specific property if it returns a guilty verdict.

Thus, according to Federal Rule of Criminal Procedure 32.2(b)(5), the Court must clarify several issues. As a result, the Court **DIRECTS** the Government to confirm whether it is seeking an amount of money or specific property. If the Government is seeking specific property, both parties are **DIRECTED** to inform the Court whether they are requesting the jury be retained to determine the forfeitability of specific property if the jury returns a guilty verdict. Finally, the parties are **DIRECTED** to submit any requests for preliminary instructions, jury instructions, or special verdict forms they have for a forfeiture proceeding.

The deadline to comply with all inquiries in this order is on or before the close of business on July 20, 2023.

SO ORDERED this 17<sup>th</sup> day of July 2023.



WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA